

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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SHAWN GREEN, 97A0801,

Plaintiff,

-v-

11-CV-6063CJS

**ORDER**

BRIAN FISCHER, Commissioner for Department of Correctional Services (DOCS); LUCIEN LECLAIRE, JR., Deputy Commissioner; KAREN BELLAMY, Director, Inmate Grievance Program (I.G.P.); JOHN/JANE DOE, Director of Diversity Management; S. E. RACETTE, Superintendent of Elmira Correctional Facility (Elmira); MARK L. BRADT, Former Elmira Superintendent; JOHN/JANE DOE, Elmira Administration Deputy; WILLIAM HOPKINS, Former Elmira Administration Deputy; LAWRENCE FRIOT, Senior Correction Counselor; M. TITUS, Former Elmira IGP Supervisor; R. COVENY; W. HUGHES; Captain NOETH; CARD; R. SEMSKI; SCHORNSTEIMER; JOHN DOE, Lieutenants; FANELLI; SCHMELZLE; JOHN DOE SERGEANT and CENTRAL OFFICE REVIEW COMMITTEE (CORC) MEMBERS;

Defendants.

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Plaintiff, who is incarcerated in the Southport Correctional Facility, has filed this *pro se* action seeking relief under 42 U.S.C. § 1983 (Docket No. 1), the Americans with Disabilities Act of 1990, 42 U.S.C.A. § 12131 et seq., and state contract law. Plaintiff's complaint has been screened by the Court with respect to the 28 U.S.C. § 1915A criteria.

In his complaint, plaintiff lists several identified defendants and several and several John/Jane Doe defendants.

Pursuant to Valentin v. Dinkins, 121 F.3d 72 (2d. Cir. 1997) (per curiam), the Court requests that the Attorney General of the State of New York ascertain the full names of the John and Jane Doe defendants plaintiff seeks to sue. The Attorney General is also requested to provide the addresses where all of the John and Jane Doe defendants can currently be served. The Attorney General need not undertake to defend or indemnify these individuals at this juncture. This order merely provides a means by which plaintiff may name and properly serve the defendants as instructed by the Second Circuit in Valentin.

The Attorney General of the State of New York is hereby requested to produce the information specified above regarding the identities of the John and Jane Doe defendants by **April 18, 2011**. The information should be sent to the Pro Se Office, 304 U.S. Courthouse, 68 Court Street, Buffalo, New York 14202. Once this information is provided, plaintiff's complaint shall be deemed amended to reflect the full names of the John and Jane Doe defendants, summonses shall be issued and the Court shall direct service on those defendants.

The Clerk of the Court is directed to file plaintiff's papers, and to cause the United States Marshal to serve copies of the Summons, Complaint, and this Order upon the named defendants without plaintiff's payment therefor, unpaid fees to be recoverable if this action terminates by monetary award in plaintiff's favor.

The Clerk of Court shall also send a copy of this Order and the amended complaint to the Assistant Attorney General in Charge, 144 Exchange Street, Rochester, New York 14614.

Pursuant to 42 U.S.C. § 1997e(g)(2), the defendants are directed to answer the complaint.

**SO ORDERED.**

S/ MICHAEL A. TELESKA  
MICHAEL A. TELESKA  
United States District Judge

Dated: February 16, 2011  
Rochester, New York